

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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COMMON CAUSE NEW YORK, as an organization and on behalf of its members,	:	
Plaintiff,	:	
-against-	:	
ROBERT A. BREHM, Co-Executive Director, TODD D. VALENTINE, Co-Executive Director, PETER S. KOSINSKI, Co-Chair, DOUGLAS A. KELLNER, Co-Chair, ANDREW J. SPANO, Commissioner, and GREGORY P. PETERSON, Commissioner, in their official capacities as Commissioners of the NEW YORK STATE BOARD OF ELECTIONS,	:	Case No. 1:17-cv-06770-AJN
Defendants.	:	
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DECLARATION OF VIRGINIA MARTIN

Pursuant to 28 U.S.C. § 1746, I, Virginia Martin, declare as follows:

1. I have personal knowledge of the matters stated herein and would testify to the same if called as a witness in Court.
2. I am the Democratic Election Commissioner in Columbia County, New York.
3. I have been employed as an election commissioner in Columbia County since 2008.

4. The role of commissioner in Columbia County is a full-time salaried role overseeing three full-time Democratic staff and 150 or more Democratic seasonal and election-day workers.
5. I hold a BA in English and Communication from Skidmore College and an MS and a PhD in Communication and Rhetoric from Rensselaer Polytechnic Institute.
6. In the past I have served as a poll worker in Columbia County, New York.
7. In addition to all the administrative duties of commissioner, I also conduct all training for the poll workers who handle poll books and ballots and, with assistance by my Republican counterpart Jason Nastke, have designed or fine-tuned all of the systems used in our elections.
8. I have frequently been called to confer with and advise election-integrity experts, attorneys in election cases, other election officials, and other advocates about election administration procedures, processes, systems, and techniques.
9. Columbia County currently has approximately 44,628 active registered voters.
10. Columbia County has 50 precincts.
11. Colombia County includes one city, 18 towns, and four villages.
12. The Columbia County Board of Elections conducts all federal, state, county, and municipal elections, with the exception of three villages' elections.
13. New York state law provides that a list of all voters whose eligibility has been challenged must be maintained at the polling place on Election Day. Relevant sections of the New York Election Law include sections 5-220(2) and 8-508.
14. In accordance with New York state law, Columbia County election officials provide a list of challenged voters to each polling place on Election Day.

15. In Columbia County, since I became Columbia County election commissioner in 2008 and until the 2018 general election, the eligibility of few, if any, voters was challenged. That changed with the November 2018 general election, when voter challenges became numerous.
16. For approximately the past eight years and perhaps longer, the Columbia County Board of Elections has included inactive voters along with challenged voters on the supplemental list that is maintained at polling places on Election Day.
17. At the Columbia County Board of Elections, we have called the supplemental list that is maintained at polling places on Election Day the “Challenge/Inactive List.”
18. Our poll worker manual indicates that if a voter’s name IS NOT on the Active Voter List (and therefore is not in the Poll Book), poll workers should check to see if they have a Challenge List (or Inactive List) at the polling place.
19. The poll worker manual further provides that if a voter is on a Challenge List, poll workers should ask the voter to swear that s/he does reside at such address (or does otherwise qualify to vote, as may be appropriate), and then provide the voter an Affidavit Ballot Envelope and instruct the voter on how to properly fill out an affidavit ballot. This instruction is given on the understanding that the Challenge List is in reality a list of inactive, but not challenged, voters.
20. The Columbia County Board of Elections instructs poll workers to offer affidavit ballots to inactive voters, as well as to advise them that they have the alternative of requesting a court order, because that is what is required by New York state law. If permitted by state law, I would be amenable to instructing poll workers to offer regular ballots to inactive

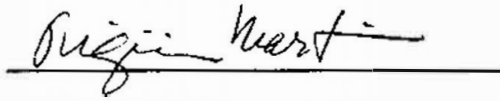
voters who appear at the correct polling place on Election Day and are otherwise eligible to vote.

21. The poll worker manual further provides that if the voter's name is not on a Challenge/Inactive List, poll workers should call the Board of Elections to ascertain in which election district the voter's residence is located.
22. The Columbia County poll worker manual is routinely provided, as per request, to the New York State Board of Elections, at the beginning of each year.
23. On Election Day, I often take phone calls made by poll workers to the Columbia County Board of Elections' office. I sometimes receive phone calls from poll workers stating that they are helping a voter who is not listed in the poll book but is located on the Challenge/Inactive List and asking what they should do next. I have frequently known that these voters are in inactive status because, in all but the most recent elections, virtually no Columbia County voters' eligibility had been challenged.
24. When I receive a call from a poll worker concerning an inactive voter, I instruct the poll worker to provide the voter the Notice to Voters form, which details the two options available to the voter, which are that the voter may request a court order or may vote by affidavit ballot. These phone calls are quick, and poll workers have not expressed confusion about the proper next steps.
25. I am not aware of any complaints about Columbia County's placement of inactive voters on the Challenge/Inactive List from voters, poll workers, election officials, or anyone else.

26. The cost of printing the Challenge/Inactive List is not a significant strain on county resources. The approximate cost of printing the lists for the 2018 election was less than \$20.
27. Columbia County's overall election budget for fiscal year 2018 was approximately \$639,984.
28. Columbia County's overall election budget for fiscal year 2019 was approximately \$654,355.
29. In or around 2015, I learned that the official position of the New York State Board of Elections is that inactive voters' names may not be maintained at the polling place on Election Day. However, when that information was conveyed to the Republican Deputy Election Commissioner in Columbia County, she did not agree to discontinue to practice of sending inactive lists to the polling places.
30. As a result, the practice of including inactive voters' names in the Challenge List provided to polling places has continued through the most recent elections conducted by the Columbia County Board of Elections.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 1st day of September, 2019, in Hudson, New York.

A handwritten signature in cursive script, appearing to read "Virginia Martin", is written over a horizontal line.

Virginia Martin